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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Natsuhiko MORI et al

Group Art Unit: 3682

Serial No.: 09/320,649

Examiner: L. Footland

Filed: May 27, 1999

Atty. Docket No.: 100725-09009

For: HYDRODYNAMIC TYPE OIL-IMPREGNATED SINTERED BEARING

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**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
(SECOND FILING)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

February 23, 2007

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Sir:

On October 23, 2006, the undersigned filed a Petition to Withdraw the Holding of Abandonment in the subject application. A copy of the stamped postcard indicating receipt of the Petition by the Patent and Trademark Office on October 23, 2006, is enclosed. As the records of Private PAIR do not show this Petition as being received, it would appear that the Petition has been lost by the Patent and Trademark Office. Included in this submission is the Petition to Withdraw the Holding of Abandonment with Exhibits A and B as filed on October 23, 2006.

Applicants hereby petition that the holding of abandonment of the above-identified application be withdrawn. It is submitted that the abandonment of the above-identified application resulted from the Patent and Trademark Office's failure to mail the non-final Office Action to the correct address. Since the failure to file a response to the non-final Office Action resulted from a Patent and Trademark Office error, it is respectfully submitted that the withdrawal of the holding of abandonment is proper.

The abandonment of the above-identified application on March 29, 2002, resulted from Applicant's failure to respond to an outstanding non-final Office Action.

C. Grant

Applicants did not respond to the non-final Office Action because Applicants never received the non-final Office Action. Applicants' attorneys have made a careful search of the entire file jacket for the subject application and the non-final Office Action was not present. A review of the docket records also indicate that the non-final Office Action was never received.

Attached as Exhibit A is a copy of the private PAIR page from the U.S. Patent and Trademark Office website for the subject application. It is noted that on April 26, 2001, there is a notation stating "Correspondence Address Change". Also on that date there are two separate notations of a "Letter Restarting Period for Response" and "Mail Notice of Restarted Response Period". It is respectfully submitted that the undersigned did not receive either of these papers, although it appears that a change to the correspondence address was received and made of record, prior to these papers being sent out.

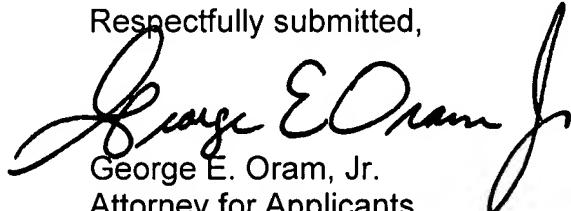
In addition, the undersigned submitted by e-mail on or about May 22, 2001, a spreadsheet listing applications for which the undersigned's address was to be changed. Exhibit B is the e-mail correspondence between Margaret Drosos, the patent administrator of Applicants' firm, and Stacy Fuller of the Patent and Trademark Office. Also included is a copy of page 8 of the spreadsheet which lists the above-identified application. Upon submission of the change of address, the Patent and Trademark Office should have changed the mailing address for the above-identified application.

Based upon the facts set forth above, the undersigned attempted to advise the Patent and Trademark Office of its change of address. It appears, however, that this change of address was not entered in the above-identified application and the non-final Office Action was mailed to the undersigned's old address and was never received by the undersigned. Since the undersigned did not receive the non-final Office Action, a response was not filed. Thus it is submitted that the failure to properly respond to the outstanding non-final Office Action resulted from the failure of the Patent and Trademark Office to change the undersigned's address and that the abandonment of the application was a consequence of the Patent and Trademark Office's failure to change the address. It is therefore submitted that withdrawal of the holding of

abandonment of the above-identified application is proper and this petition should be granted.

In the event that any fees are due with respect to this paper, please charge our Deposit Account No. 01-2300, referencing Atty. Docket No. 100725-09009.

Respectfully submitted,



George E. Oram, Jr.
Attorney for Applicants
Reg. No. 27,931

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Tel (202) 857-6000
Fax (202) 638-4810

GEO:mmg

Encls:

Copy of Stamped Postcard Receipt of October 23, 2006

Exhibit A Copy of Private PAIR Page from the U.S. Patent and Trademark Office website

Exhibit B E-mail communication along with page 8 of Spreadsheet of May 22, 2001

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Patent Trademark Docket No. 100725-09009

Serial No. 09/320,649 Filed May 27, 1999

Applicant(s) Natsuhiko MORI et al

Papers filed herewith on

October 23, 2006

- | | |
|---|---|
| <input type="checkbox"/> Fees \$ <u>CK</u> | <input type="checkbox"/> Assignment (w/PTO-1595 Form) |
| <input type="checkbox"/> New Application | <input type="checkbox"/> Declaration |
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Priority Document |
| <input type="checkbox"/> Notice of Appeal | <input type="checkbox"/> Req. for Ext. of Time |
| <input type="checkbox"/> IDS/PTO-SB08 | <input type="checkbox"/> Drawing(s) |
| <input checked="" type="checkbox"/> Other <u>Petition to Withdrawal of Holding of Abandonment (3 pgs.); Exhibit A - copy of Private PAIR page from USPTO website; Exhibit B - E-mail communication along with page 8 of Spreadsheet of May 22, 2001</u> | |

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above-identified case.

GEO:mmg

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Drosos, Margaret



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From: Drosos, Margaret
Sent: Tuesday, May 29, 2001 2:45 PM
To: 'Stacy.Fuller@USPTO.GOV'
Subject: RE: Error Report for Customer Number 04372

OK Sorry for the error.

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-----Original Message-----
From: Stacy.Fuller@USPTO.GOV [mailto:Stacy.Fuller@USPTO.GOV]
Sent: Tuesday, May 29, 2001 2:18 PM
To: DrososM@ARENTFOX.COM
Subject: RE: Error Report for Customer Number 04372

Thank you for your response. Unfortunately we asked that you email me the list of applications/patents that you DO NOT wish to be associated with your customer number and that you not delete any applications from the spreadsheet. I have to go to your original spreadsheet and remove the applications that you do not wish to be associated. Please resend the error report with these applications clearly noted.

Thank you for your assistance.

Stacy

> -----Original Message-----

> From: DrososM@ARENTFOX.COM [SMTP:DrososM@ARENTFOX.COM]
> Sent: Tuesday, May 29, 2001 2:15 PM
> To: Stacy.Fuller@USPTO.GOV
> Subject: RE: Error Report for Customer Number 04372
>
> I have edited your error report so as to only included those applications
> for Nikaido, Marmelstein, Murray & Oram. This firm at Metropolitan Square
> merged with Arent Fox at the 1050 Connecticut Ave. address last year.
> Thank
> you for your attention to this. We have had several PTO papers returned
> to
> the PTO by Post Office, even though we have a current change of address on
> file.
>
> Margaret P. Drosos
> Director of IP Administration
> Arent Fox Kintner Plotkin & Kahn, PLLC
> 202 857-6463
> Drososm@arentfox.com
>
>

> -----Original Message-----

> From: Stacy.Fuller@USPTO.GOV [mailto:Stacy.Fuller@USPTO.GOV]
> Sent: Tuesday, May 22, 2001 1:10 PM
> To: DrososM@ARENTFOX.COM
> Subject: Error Report for Customer Number 04372
>
>
> I have received your spreadsheet to associate your applications/patents
> with
> your customer number, and there are just a few more questions. There are
> a
> few files that are currently going to a different address for
> correspondence
> and we just have to do a little preventative maintenance to be absolutely

EXHIBIT

B

> sure that you do, in fact, want to update these files to your customer
> number.
>
> Please take a look at the attached spreadsheet, which lists the
> "questionable" applications. Once you have verified whether or not you
> wish
> to associate these applications/patents with your customer number, please
> mark them as such on the attached spreadsheet (i.e., yes/no) and email it
> back to me, or simply email me the list of applications/patents that you
> DO
> NOT wish to be associated with your customer number. Please DO NOT delete
> any applications from the spreadsheet.
>
> If there are NO changes to be made, you can just email me back to let me
> know that it is ok to associate all files with your customer number.
>
> <<04372Cusno_Error(1).xls>>
> << File: Error Report.xls >>



09386450	NIKAIDO MARMELSTEIN MURRAY & ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW SUITE 330 WASHINGTON DC
09431226	NIKAIDO MARMELSTEIN MURRAY & ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09381286	NIKAIDO MARMELSTEIN MURRAY & ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09463394	NIKAIDO MARMELSTEIN MURRAY & ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09500532	Nikaido Marmelstein Murray & Oram	Metropolitan Square 655 Fifteenth Street NW Washington DC
60003248	NIKAIDO MARMELSTEIN MURRAY & ORAM	METROPOLITAN SQUARE SUITE 330-G STREET LOBBY WASHINGTON DC
60012912	NIKAIDO MARMELSTEIN MURRAY & ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET WASHINGTON DC
60047997	NIKAIDO MARMELSTEIN MURRAY & ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET WASHINGTON DC
60069535	NIKAIDO MARMELSTEIN MURRAY & ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET SUITE 330 WASHINGTON DC
09431228	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 15TH STREET NW WASHINGTON DC
09441061	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09440287	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 15TH STREET NW WASHINGTON DC
60162207	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 FIFTEENTH STREET WASHINGTON DC
09437755	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 15TH STREET NW WASHINGTON DC
09455912	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09434046	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09334066	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE SUITE 330 - G STREET LOBBY WASHINGTON DC
09320852	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 15TH STREET NW WASHINGTON DC
09320649	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 15TH STREET, N.W. WASHINGTON DC
09422085	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE SUITE 330 G STREET LOBBY WASHINGTON DC
09399960	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09351296	NIKAIDO MARMELSTEIN MURRAY & ORAM LLP	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
08776188	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 15TH STREET, N.W. WASHINGTON DC
08779076	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 15TH STREET NW WASHINGTON DC
08913103	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
08973398	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09134985	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09445433	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09269190	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09147036	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09331590	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 15TH STREET NW WASHINGTON DC
09142060	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
08966854	NIKAIDO MARMELSTEIN MURRAY AND ORAM	METROPOLITAN SQUARE SUITE 330-G STREET LOBBY WASHINGTON DC
09359405	NIKAIDO MARMELSTEIN MURRY & ORAM LLP	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09321764	NIKAIDO MARMELSTEIN MURRY & ORAM LLP	METROPOLITAN SQUARE 655 FIFTEENTH STREET NW WASHINGTON DC
09437303	NIKAIDO MARMEOLSTEIN STEIN MURRAY & ORAM	METROPOLITAN SQUARE 655 FIFTEENTH STREET NE WASHINGTON DC
08097621	NIKAIDO, MARMELSTEIN, MURRAY & ORAM	METROPOLITAN SQUARE STE. 330 - G STREET LOBBY WASHINGTON DC

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